



# CITY OF GLOUCESTER

## CONSERVATION COMMISSION

### MINUTES

WEDNESDAY May 7, 2014 - 7:00 PM  
City Hall, Kyrouz Auditorium  
Robert Gulla Chair

**Members Present:** Ann Jo Jackson- Co- Chair, Barry Gradwohl, Charles Anderson, Helene Shaw- Kwasié, John Feener, Robert Gulla- **Absent**, Robert Sherman- **Absent**  
**Staff:** Stacey Carpenter- Acting Agent, Pauline Doody- Recording Clerk

Ms. Jackson opened the meeting at 7:07 p.m.

**I.** 1-5 minutes, review of amended, updated or final information, status reviews, modifications, signing decisions etc.

**Non- Public Discussion: Designated Leash Free dog areas on beaches. Formal recommendation requested by City.**

**Ms. Carpenter** informed the board that she had done research regarding the impacts to the environment from off leash/voice controlled dogs. Information was gathered from Peer reviewed articles and other municipalities. Most municipalities have a total leash law. There are several categories of concern: usage restrictions, waste, an enforcement licensing.

- **Usage restriction** would be blackout dates. Every municipality that off leash/voice control had blackout dates. Dates would run from May- September.
- **Waste:** Municipalities found that if they if they put out Mutt Mitts and barrels systems, people utilized them. They are taken out during the blackout dates.
- **Licensing/tagging:** Did not find many municipalities that used the system.

The environmental concerns were addressed in the peer reviewed papers. Topics included;

- **Rare wildlife disturbance**; , but it was not done by season; breeding strategies, nesting, courtship would not be disturbed because they are activities that occur in the summer.
- **? Injury?mortality:** If dogs are hunting or chasing they are still impacting wildlife through flushing noise.
- **Disease introduction**; could be contracted by wildlife if dogs were off leash. Diseases that come from waste and lack of vaccinations.
- **Wildlife avoidance**: from dogs, as well as people usage: once an area has been disturbed, many times wildlife would not come back to use the area.
- **Allocation of resources**; for enforcement. Most of the time it is put on the back burner if not entirely forgotten.

In the winter there are not that many people out, however the impacts to wildlife can be more significant because of the level of resources it takes to expend. With proper planning and location you can have come to a compromise. Ms. Carpenter suggested having blackout dates and the use of Mutt Mitts & barrels. The commission could also consider the use of a tagging system.

**Ms. Jackson** raised concern over the damage to dunes and impacts to shellfish.

**Ms. Carpenter** stated that people cause more damage to the dune than dogs.

**Councilor Steve LeBlanc**

**Councilor LeBlanc** clarified that if approved the blackout dates would only be during the summer and that dogs would not be allowed on the dunes. These points have been discussed at past meetings.

As it stands now the blackout dates would run from September 16 until May 1<sup>st</sup>. This is when dogs would be allowed on the beach on leash. This could change depending on how it gets voted.

**Ms. Carpenter** informed the board that the entire Wingaersheek Beach is under Natural Heritage. If the city decides to designate an area on the beach for off leash dogs, the commission will hear from Natural Heritage.

**Ms. Jackson** requested that Ms. Carpenter ask DEP for a recommendation.

#### **Discussion: 3R Wise Place, Enforcement of Conservation Restriction Requested**

**Attorney Joel Favazza, 111 Main Street**

**Attorney Favazza** stated that he was representing two neighbors who abut the property. The property was given to conservation by the former owner. In recent years people have been parking cars, boats etc. both short term and long term. They would like to continue some of the recreational activities. Attorney Favazza read the property restrictions from the deed. He stated the neighbors would like the commission to enforce the restrictions. The land could go to Essex Greenbelt if not adhered to.

**Ms. Jackson** stated that the city will be asked to install no parking signs

**Mr. Feener** stated he believes that that description/ terms are outdated and should be reviewed. It can be a supplement to what is there now.

**Ms. Jackson** requested that 3R Wise Place be put on the agenda for the commission review of the document. She requested that Ms. Carpenter perform a site visit.

#### **Discussion: Extension for #28-1897: Management Plan for Niles Pond/Brace Cove: To continue management plan.**

**Ms. Jackson** stated she would like to make sure there are no violations with the scope of work and would like to move the discussion to the next meeting.

#### **Acceptance of Palazola Playground Grant.**

**Councilor Steve Leblanc** reported he was working with Steve Winslow to receive a grant to replace the existing equipment with equipment that is ADAA accessible. The grant comes from the executive office of Energy & Environmental Affairs which requires a signoff from the Conservation Commission or the Recreations Commission. It is a \$200,000 grant. The Oval is off of Centennial Ave. It has not been upgraded for a very long time. The work zone will be established outside the buffer. It will be evaluated for the need for a RDA once the site survey is complete.

**Mr. Feener** stated he was confident that the equipment can be installed without affecting the wetland.

#### **Motion: To accept the Palazola Playground Grant**

**1<sup>st</sup>: Charles Anderson**

**2<sup>nd</sup>: Barry Gradwohl**

**Vote: Approved 5-0**

## **II. PUBLIC COMMENT - None**

## **IV. Block 1\* New Projects**

**A.) NEW NOI: 78 Commercial Street:** Submitted by John Nicastro of Felicia's Oil (Represented by Self) for the replacement of 10 pilings in situ. (Map 1, Lot 12)

#### **Presenter: John Nicastro, 78 Commercial St**

**Mr. Nicastro** informed the board that 10 piling and one **catlog**(?) must be replaced because of deterioration. An emergency order was issued, but after further inspection more work is needed. The work can be done at any tide. The pilings will be removed and replaced in the same spot or close to it. Material will be taken away by barge.

#### **Public Comment: None**

#### **Conditions:**

- **Boom on site**

**Motion: To approve the application for 78 Commercial Street for the replacement of 10 pilings in situ. (Map 1, Lot 12)**

**1<sup>st</sup>: Charles Anderson**

**2<sup>nd</sup>: Barry Gradwohl**

**Vote: Approved 5-0**

**B.) NEW NOI: 940/942 Washington Street, aka Hodgkins Cove Landing:** Submitted by City of Gloucester Harbormaster (Represented by Self) for the creation of a parking area and landscaping (Map 139 Lots 3, 4)

**Presenter: Jim Caulkett, City Harbormaster**

**Mr. Caulkett** stated he was representing the Waterways Board regarding Hodgkin's Cove. The improvements to be made include minor cleanup, widening of the path so people can walk to the point, small gravel parking lot and the installation of stone benches. The stone benches will be set in place. There has been a lot of growth of invasives. The removal of the invasives will be done by hand. He stated that a currently contracted landscaper that does work at other landings will do the removal. He will come back on a monthly basis for maintenance. No chemicals will be used and the commissions 2-1 ratio will be complied with. The path will be 6 feet wide. Sumac trees will be removed and the path will remain grass. The parking area does not require any grading. There will be no runoff toward the water.

**Commission Comments:**

**Mr. Feener** requested that the limit of work be photographed and that the path width be delineated.

**Public Comment:**

**Ben Paul, 944 Washington St**

**Mr. Paul** requested that rocks that have fallen down at the tip of the landing be repaired. He asked if the area would be for Gloucester residents and if stickers would be needed.

**Mary Johnson, 13 North Kilby**

**Ms. Johnson** raised concerns about who would be cleaning the site from rubbish. She stated that the inner Hodgkin Cove is conservation property. She also stated concerned that the shellfish and eels will be affected by the runoff from the parking area.

**Mr. Caulkett** responded to the concerns stating that the parking area will be pervious and there would be no run off toward the stream. The rubbish cleanup is part of the landscaper's contract. He explained the curb cuts were done prior to this work being done because it made more sense to do it when the road was being paved rather than cutting into it after the fact. The parking is for cars only not for trailers. He stated no work will be done on the right hand side. The left side has a natural barrier and is graded away from the UMass Area. Hodgkin's Cove is not conservation land.

**Suzanne Goslin, 19 North Kilby St**

**Ms. Goslin** asked for a guarantee that there would not be any runoff into the stream. She stated there are big gaps in the seawall and asked how they would be blocked. She asked if overnight parking would be allowed.

**Mr. Caulkett** stated that the parking is along the fence and is 30-35 feet away from the seawall. The berm is not being touched and should act as a filter. .

**Ms. Jackson** responded to Mr. Paul stating that the wall repair cannot be part of this project but will be looked into.

**Conditions:**

- **Parking pervious**
- **Benches set in no footings**
- **Parking is lower and graded away from water**
- **Paths to be delineated to 6 feet wide**
- **Mr. Feener to meet with Mr. Caulkett so Sumac removal & removal is compliant with commission standards.**
- **Ongoing maintenance, no overnight parking, & rubbish removal**

**Motion: To approve the application for 940/942 Washington Street, aka Hodgkins Cove Landing for the creation of a parking area and landscaping (Map 139 Lots 3, 4)**

**1st: Helene Shaw- Kwasi**

**2nd: Barry Gradwohl**

**Vote: Approved 5-0**

**C.) NEW NOI: 474 Washington Street:** Submitted by Ann Ziergiebel (Represented by Self) to repair a collapsed and collapsing seawall. COE for project issued at prior meeting (Map 110, Lot 16).

**Presenter: Ann Ziergiebel, 474 Washington St**

**Ms. Ziergiebel** informed the board that she had received an emergency permit to begin repairs and have begun to shore up the seawall. It will be a complex repair. Three large rocks have fallen into the water and a tripod is being designed to lift the rocks and place them back into the wall. It will be backfilled with 6 inch stones. It will then have a series of smaller gradations until there is a solid back fill. Filter fabric will be installed.

**Commission Comments:**

**Ms. Carpenter** stated the project will follow the emergency certificate that was issued and nothing has significantly changed within the NOI.

**Public Comment: None**

**Conditions:**

- **Planting plan to be submitted to agent prior to work commencing**

**Motion: To approve the application for 474 Washington Street to repair a collapsed and collapsing seawall. (Map 110, Lot 16).**

**1st: John Feener**

**2nd: Helene Shaw-Kwasie**

**Vote: approved 5-0**

**D.) NEW NOI: Nugent Farm Bridge Repair:** Submitted by Old Nugent Farm Condo Association (Represented by Rimmer Environmental Consulting) for the repair of Nugent Farm Road bridge joists and decking ( Map 160, Lot 4).

**Presenter: Mary Rimmer, Rimmer Environmental**

**Ms. Rimmer** explained that the bridge that access is a timber bridge and is in need of repair. Some small pavement may be needed as necessary. No work is needed on the foundation. A tarp can be place under the bridge to catch debris.

**Commission Comments**

**Ms. Carpenter** stated the work is replacing the top decking and is an NOI because it is over a resource.

**Public Comment: None**

**Conditions:**

- Tarp installed under bridge to catch debris

**Motion: To approve the application for Nugent Farm Bridge for the repair of Nugent Farm Road bridge joists and decking ( Map 160, Lot 4).**

**1st: Helene Shaw-Kwasie**

**2nd: Barry Gradwohl**

**Vote: Approved 5-0**

**E.) NEW NOI: 141 Wheeler Street:** Submitted by Joseph Orlando (Represented by Seaside Legal Solutions) for the modification of a house footprint.

**Presenter: Attorney Joel Favazza, 111 Main St**

**Attorney Favazza** explained that the application is to rebuild a single family structure and install a driveway where one currently exists. It is in riverfront but does not have a buffer zone, but is treated as a buffer zone. The existing house is 124 s.f. feet within the riverfront. The proposed footprint has a 24 s.f. reduction. There is a 352 s.f. gravel driveway in riverfront which will be relocated outside of the riverfront area. A lawn will be installed in that area. No machinery or equipment will be used in riverfront. Equipment will be stored outside of the riverfront. Laborers will be instructed to collect debris. There are no negative impacts.

**Commission Comments:**

**Mr. Feener** asked if the additional impervious from the building is being captured by a rain garden. Lawn allow flow and a rain garden will help capture the runoff.

**Attorney Favazza** stated the orientation of the gutters has not been determined yet. The contractor can be advised that the downspouts are not to shoot into the riverfront.

**Mr. Feener** requested that plants be planted where the lawn ends and/or a 6-8 inch strip of stone between the resource from the wall.

**Public Comment:**

**Jane Benice 2 Breezy Point Road**

**Ms. Benice** stated she was an abutter and was concerned where will the machinery would be stored and where will the contractors to park. The building appears to be twice as big as it is now. There are existing standing water problem now.

**Mr. Feener** explained the runoff and water velocity and how it will be captured.

**David Benice, 2 Breezy Point Road**

**Mr. Benice** questioned the legality of proposed driveway. He stated it was over his property.

**Ms. Jackson** stated the driveway will be pervious and is out of the commission's jurisdiction.

**Attorney Favazza** stated there would be no storage of materials or in riverfront area.

**Conditions:**

- 6-8 wide inch stone or planted border between the wall and resource

**Motion: To approve the application for 141 Wheeler Street for the modification of a house footprint.**

**1st: Helene Shaw- Kwasie**

**2nd: Barry Gradwohl**

**Vote: Approved 5-0!**

**E.) NEW RDA: 112 Commercial Street: Submitted** by City of Gloucester (Represented by Weston and Sampson) for soil testing and the removal of an underground storage tank. (Map 1, Lot 6).

**Presenter: Jim Currier, Weston & Sampson, 5 Centennial Dr Peabody**

**Mr. Currier** explained this site is on a ½ acre vacant lot. The city has been awarded a grant which is regulated under the Mass Contingency Plan. The property was acquired by the city by tax title taken in 2010. This work is phase two with some of it being exploratory. There may be an underground storage tank on the property that will need to be removed. It is assumed that it is a fuel tank approximately 1500 gallons. The rest of the work is soil samples test pitting and hydrographic survey. The seawall will also be evaluated.

**Commission Comments**

**Ms. Jackson** stated the commission will need a report of the findings of the tank.

**Mr. Feener** stated the parameters of the excavation should be clarified on the application; 3 feet from edge of tank.

**Ms. Carpenter** stated a contingency plan should be in place.

**Mr. Feener** asked that the tank be removed first and then the other parts of the project move forward.

**Public Comment: None**

**Conditions:**

- **Tank removal first- DEP guidelines be shared with the Conservation Commission**
- **Excavation of tank will not be 3 feet beyond the edge of tank**

**Motion: Negative Determination for the application for 112 Commercial Street for soil testing and the removal of an underground storage tank. (Map 1, Lot 6).**

**1st: John Feener**

**2nd: Barry Gradwohl**

**Vote: Approved 5-0**

**F.) NEW NOI: 127 Rogers Street:** Submitted by Chris Cicielio (Represented by CLE Engineering) for the demolition of pier deck, installation of 13 H piles, replacement concrete slab and new steel bulkhead. (Map 11, Lot 6).

**Presenter: Carlo Penn, LEC Engineering**

**Mr. Penn** reported that this is for phase three phase of the seawall work needed for completion. It is 43 feet long. The existing decks will be removed, 13 H pilings installed along with 61 feet of steel sheeting and concrete. The work will be done as previously completed.

**Commission Comments:**

**Ms. Carpenter** stated she will inform the Harbormaster and Shellfish Warden of the upcoming work and will relay any comments they have to the commission.

**Mr. Feener** stated that the prior work done has been done very well and the environment has been taken care of.

**Public Comment: None**

**Conditions:**

- **Boom in place**

**Motion: To approve the application for 127 Rogers Street for the demolition of pier deck, installation of 13 H piles, replacement concrete slab and new steel bulkhead. (Map 11, Lot 6).**

**1st: John Feene**

**2nd: Helene Shaw- Kwasie**

**Vote: Approved 5-0**

**G.) NEW NOI: 15 Mount Locust Place:** Submitted by James Davis (Represented by Hayes Engineering) for the purpose of installing two retaining seawalls (Map 140, Lot 25). **Applicant will also discuss the discrepancies of the previous permit and how to bring that permit/project back into compliance with approved plan so it can be issued a certificate of compliance.**

**Presenter: Peter Ogen, Hayes Engineering**

**Mr. Ogden** explained that an OoC was issued 7 years to construct a new dwelling. All permits were obtained, however the goals changed and it did not move forward as presented. It dramatically reduced. Mr. Ogden explained some of the differences

between the approved plan and what was constructed. The site needs to be brought into compliance before the new NOI can move forward. A site visit may be required.

**Commission Comments:**

**Mr. Feener** stated he would like to see updated numbers, tree removal etc before moving forward with the NOI. Ms. Jackson concurred stating that the impacts of the work have to be determined and if sufficient mitigation was done.

**Mr. Ogden** briefly described the new NOI stating that erosion has occurred as result from scouring from the wave bank. The request is to install concrete wall between two areas of ledge that is failing. Drainage will be in the back. DEP's comments states it does not meet regulations.

**Mr. Feener** stated you cannot armour a coastal bank.

The commission continued the public hearing for an opportunity for the applicant to receive and gather more information.

**Public Comment: None**

**Motion: To continue the application for 15 Mount Locust Place for the purpose of installing two retaining seawalls (Map 140, Lot to may 21**

**1st: John Feener**

**2nd: Barry Gradwohl**

**Vote: Approved 5-0**

**H.) NEW RDA: 5 Salt Island Lane:** Submitted by Joe McDonough (Represented by the Bliss Company General Contractors) for the purpose of putting weep holes and repairing a seawall. (Map 176, Lot 63)

**Motion: To continue the application for 5 Salt Island Lane: Submitted by Joe McDonough (Represented by the Bliss Company General Contractors) for the purpose of putting weep holes and repairing a seawall. (Map 176, Lot 63) to May 21, 2014.**

**1st: Helene Shaw- Kwasie**

**2nd: Barry Gradwohl**

**Vote: Approved 5-0**

**H.) NEW NOI: West Parish School Phase II:** Submitted by City of Gloucester (Represented by Nitsch Engineering) for the construction of a school, parking area, utilities and fields. (Map 229, Lot 22)

**Presenter: Anthony Dinardo, Nitsch Engineering**

**Mr. Dinardo** stated that he was in front of the commission in March for the demolition of the West Parish School. The NOI was approved and OoC was issued. Mr. Dinardo summarized the resource areas and drainage plans on the new plan for the school. The introduction of two bio- detention area, 4 foot sumps on the catch basins and mechanical separators will improve current conditions. The ship playground area will not be touched. The East side playground will be dismantled and relocated.



**Commission Comments:**

**Ms. Carpenter** informed the commission that the project will be going out for peer review.

**Mr. Feener** stated he would like to see documentation regarding the playground available to him for reference.

**Public Comment: None****Sandy Brock, Nitsch Engineering**

**Ms. Brock** asked for the opportunity to work with the peer reviewer and their comments.

**Motion: To continue the application for West Parish School Phase II for the construction of a school, parking area, utilities and fields. (Map 229, Lot 22) to June 4, 2014.**

**1st: John Feener**

**2nd: Helene Shaw- Kwasie**

**Vote: Approved 5-0**

**I.) Continued NOI (With Notification) #28-2254 31 Stanwood Avenue:** Submitted by Michelle Tallgrass (represented by Seekamp Environmental Consulting) for the construction of a single family house. ( Map 230 Lot 157)

**Presenter: Mike Seekamp, Seekamp Environmental Consulting**

**Mr. Seekamp** explained that the project has been peer reviewed by Mr. Jones and have responded to all his comments. All notifications have been sent. The lots have been reconfigured and the only impacts to the riverfront will be from the water and sewer lines and they are temporary. Two new comments were received with the revision

- Erosion control barrier on the North side. It is almost on the riverfront line and most of it is in the field and is flat.
- Pavement is in riverfront: it is in the roadway and will need city permission and is not part of this project.

**Bill Jones: Linden Engineering**

**Mr. Jones** stated that significant changes have been done. This plan is alternative plan six that the commission originally found favorable.

- There is work in the riverfront but it is for utilities.
- In the OoC states that any changes to the plan have to come to the commission. for approval.
- Siltation line to coincide with the riverfront line
- A condition could be added to the OoC that the bituminous pavement shown in the plan in riverfront on Stanwood Ave shall not be part of the project.

Huge changes have been made and our comments have been satisfied other than the ones noted this evening.

**Commission Comments:**

**Mr. Feener** asked if a fence should be installed along with the erosion control to capture debris.

**Mr. Jones** stated that it would be helpful.

**Mr. Feener** asked if corridor that is designed to be left open for wildlife will be sufficient to sustain it or will it be too crowded

**Mr. Jones** replied that this is not a habitat designated area, so habitat considerations are not part of the Wetlands Protection Act unless you are in habitat area. The home may disturb the bird activity but not the habitat itself. This is the kind of construction of homes on lots in riverfront that the regulations want to see. The disturbance is minimal.

**Mr. Feener** stated that since the disturbance is temporary and is for utilities an additional fee is not needed.

#### **Public Comment:**

##### **Steve Golden 33 Rockport Road**

**Mr. Golden** stated that he has raised questions in past meeting that have not been responded to and that he will go to City Council for answers to his questions.

The commission needs full information from other city agencies. He asked the commission why Dave Sargent wasn't asked to give comments. His comments are important because this site adjacent to the Annisquam/ Little River and Mr. Sargent has done soil analysis for the city. Mr. Golden stated he was told that Mr. Sargent was waiting for an Alternative Analysis. He also stated that Mr. Sargent told him that he was never contacted and was very concerned about this, but couldn't make comments unless he was asked by the commission.

**Mr. Feener** stated that these statements are hearsay.

**Mr. Golden** replied that it was not hearsay, and that he spoke to him. It was hearsay to the commission because he was not invited to participate in the meeting. He also stated that it could be discussed in court.

**Mr. Feener** requested that Mr. Golden not be demeaning to the commission.

**Mr. Golden** stated he was not being demeaning and that if the commission does find his testimony adequate then ask Dave Sargent to come to the meeting. He stated that Mr. Sargent expressed concern about the project and that it sets a precedent. The project was enabled by the sewer system. When the sewer system went into Little River and with the explosion of development, the condition of the river has gone downhill. The shellfish has been affected. Mr. Sargent did soil testing and considered the whole area as wet meadows. The commission considers the overall environmental affect.

**Mr. Gradwohl** stated that the commission can't consider anything that is not within 200 feet of the riverfront.

**Mr. Golden** stated that Mr. Sargent considers buffer zone a resource area. The 2<sup>nd</sup> comment that has not been addressed is that this is a direct violation of a regulation; 310cmr 10.07. The project has to be in conformance with MEPA. This had to go through the Little River Project which enables this project and the other 5 lots for sewers on this property. When the ENF was submitted, the project was very short. It was a few hundred feet of a mandated environmental impact report which would have considered the alternatives which the city was doing then to make sure people upgraded their septic systems. The report was never considered. There should have been a discretionary evaluation of that report. Soon afterwards, by a special act of legislation the city combined the Little River Sewer- Project with the West Gloucester Sewer Project.

**Mr. Gradwohl** stated that the commission has a case before it that must be considered with facts from the present that we have to come to a conclusion on. We cannot keep going back in time.

**Mr. Golden** stated the commission should listen more carefully and read his written comments. When the projects were combined it required an environmental impact report. Gloucester never did it.

**Mr. Feener** stated the commission cannot base a judgment if a mistake was done in the past. The project has to be looked at as it stands today.

**Mr. Golden** stated that it is the commission's responsibility that if a project is not done correctly that it must turn it down. He requested a written response regarding this matter.

#### **Julie Kenyon 29 Stanwood Ave**

**Ms. Kenyon** stated she has expressed her concerns over the environmental impacts and still believes it will impact the environment.

#### **Janelle McCarthy**

**Ms. McCarthy** stated she was not against or for, but concerned about the wildlife that live in the area will be strongly impacted. She asked the commission to take that into consideration. Ms. McCarthy had questions regarding the fire hydrant locations and driveways.

**Mr. Seekamp** explained the locations of the driveways and fire hydrants.

#### **Ted Suchecki 62 Woodward Ave**

**Mr. Suchecki** stated that he had a degree in Environmental Science from UMass, Wetland Scientist and another degree from Essex Agricultural Institute and an Unrestricted Construction Supervisor License in Massachusetts.

They have moved the project out of the apparent resource area but have not studied the area. The drainage in the area goes into the field. It is seasonally flooded. They will put in concrete driveways which will block the natural water flow, and there is no accommodation in the plan for the drainage for this. Where does the water runoff and erosion go? It will either go to the clam flats or to the right of the site. There is no drainage. It is not adequate for the field conditions. The water and sewer lines have run across the field which will absorb the runoff; the regulations of the town require that it be back filled with crushed stones and sand, which will disrupt the water flow. Mr. Suchecki questioned why the water and sewer lines weren't run under the driveway. He stated it is not a good project and that there is plenty of land that is buildable.

#### **Christine Rasmussen, 82 Woodward Ave**

**Ms. Rasmussen** stated she feels very strongly about this special area. It is undisturbed land. She asked if the Planning Board approved these lots and if the commission is aware that Sassafras Ave is a privately owned road. The thicket is a valuable and is part of the bio map. It appears very sensitive and becomes part of the Wetlands Protections Act. It should be further reviewed. The Waterways Board and the clam warden should give comments to the commission. The city records for the land are recorded in a different name. It is an issue that needs to be addressed.

#### **Debbie Liacos 44 Woodward Ave**

**Ms. Liacos** stated the field is dry July and August and wet the other 10 months of the year. This is a critical area. There are clam flats and thickets that support wildlife. The thickets help with water absorption.

**Mr. Feener** asked Mr. Jones if the site meets any state or local regulations as a wetland.

**Mr. Jones** stated that this was an Abbreviated Notice of Resource Delineation It was issued in 2007. It was extended by the permit extension act and is currently valid. At no point was it requested that the resource be reviewed. The order of resource area was already issued

**Mr. Feener** stated for clarification that most of the project is outside of the buffer, some of it is in the buffer.

**Mr. Jones** stated there some work in buffer but outside of the riverfront. Less than 20 % of buffer being disturbed

**Mr. Seekamp** stated that the plans were designed by Richardson Engineering and reviewed by Richardson Engineering. It is a buffer zone only project. The impacts have been minimized.

**Mr. Gradwohl** explained to the public that if it weren't for the utility and sewer lines the project would not be before the commission. He explained the history of the project.

**Mr. Feener** requested that pictures of the trenches be taken before and after. It needs to be reconstructed as it is now.

**Ms. Kwasi** suggested that swales be constructed near the homes to collect the water before it goes into the ground.

**Motion: To approve the project at 31 Stanwood Avenue for the construction of a single family house. ( Map 230 Lot 157)**

**1<sup>st</sup>: Mr. Feener Least impactful**

**2<sup>nd</sup>: Ms. Shaw-Kwasie**

**Vote: Approved 4-0 with Ms. Jackson abstaining.**

**J.) Continued NOI (With Notification) #28-2255 33 Stanwood Avenue:** Submitted by Jackie Misuraca (represented by Seekamp Environmental Consulting) for the construction of a single family house ( Map 230 Lot 158)

**Motion: To approve the application for 33 Stanwood Avenue for the construction of a single family house ( Map 230 Lot 158)**

**1st: John Feener**

**2nd: Helene Shaw- Kwasie**

**Vote: Approved 4-0 with Ms. Jackson abstaining.**

## **V      Block II\* Continued Projects**

**A.) Continued NOI: 21 Bayle Lane:** Submitted by Angela Ciampa (Represented by DeRosa Environmental) for the construction of a boardwalk. (Map 257, Lot 10)

**CONTINUED AT THE REQUEST OF THE APPLICANT TO MAY 21<sup>st</sup>.**

**Motion: To continue the project at 21 Bayle Lane for the construction of a boardwalk. (Map 257, Lot 10) to May 21, 2014.**

**1st: John Feener**  
**2nd: Helene Shaw-Kwasie**  
**Vote: Approved 5-0**

**B.) Continued NOI 28- 2331: 1 & 3 Rackliffe:** Submitted by Susan Balestraci (Represented by Mill River Consulting) for the height modification of a stone wall and reappointing.

**Presenter: Isaacc Rowe, Mill River Consulting**

**Mr. Rowe** stated that the requested documentation by the commission stating the findings from the structural engineer has been submitted and all DEP comments have been addressed. The plan has been revised and submitted.

**Public Comment: None**

**Motion: To approve the application for 1 & 3 Rackliffe for the height modification of a stone wall and reappointing.**

**1st: John Feener**  
**2nd: Helene Shaw- Kwasie**  
**Vote: Approved 5-0**

## **VII. AGENT'S REPORT ON VIOLATIONS**

### **1.) 97 Leonard Street**

**Ms. Carpenter** reported to the board that she did a site visit. It will be an after the fact NOI and will be on the next agenda.

### **2.) 4 Niles Pond Road**

**Ms. Carpenter** reported to the board that a permit was issued in 2003 to build a retaining wall. The wall popped into the pond and was repaired without coming before the commission.

**Mr. Feener** requested that the wall height be documented and that there was no need to come before the commission.

### **18 Salt Marsh Lane**

**Ms. Carpenter** reported that a small area in front of the house was cleared of catbrier. A 20 x30 area will be planted with low bushes and shrubs.

### **610 Western Ave (Not a violation, but was investigated upon request. ( update)**

**Ms. Carpenter** reported that a permit was issued in 2006 for a house, but it was not acted on. There was no issues regarding conservation

### **79 Wingaersheek**

#### **Thomas Mannle. 34 Bennett St North**

**Mr. Mannle** explained that the commission approved a ramp and stairs from top of dune to marsh. He stated that his brother has built a sand ramp and asked the commission to issue an enforcement order to stop the work.

**Motion: To approve the Enforcement Order for 79 Wingaersheek**

**1<sup>st</sup>: Helene Shaw-Kwasie**

**2<sup>nd</sup>: John Feener**

**Vote: Approved 5-0**

## **VII. CERTIFICATES OF COMPLIANCE**

**28-2277 131 Atlantic Avenue. (A new OoC is in place of the site and this CoC clears out the original CoC)**

**Motion: To Approved the CoC for 28-2277 131 Atlantic Avenue**

**1st: John Feener**

**2nd: Charles Anderson**

**Vote: Approved 5-0**

**Motion: To adjourn**

**1<sup>st</sup>: Helene Shaw-Kwasie**

**2<sup>nd</sup>: John Feener**

**Vote: Approved 5-0**